

REQUEST FOR COUNCIL ACTION

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MEETING

DATE: 6-16-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Zoning District Amendment #03-10 by the Williams Family Partnership. The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28 th St. SE and north of TH 52. A General Development Plan is being considered concurrent with this application.		PREPARED BY: Mitzi A. Baker, Senior Planner

June 10, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on May 28, 2003, to consider this petition.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-10 by the Williams Family Partnership with staff recommended findings. Ms. Petersson Seconded the motion. The motion carried 9-0.

Planning Staff Recommendation:

See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. Yaggy Colby Associates
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday June 16, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:

Seconded By:

Action:

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ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
117 THIRD AVENUE, SUITE 100
ROCHESTER, MINNESOTA 55904
PHONE 781-345-1000
FAX 781-345-1001
EMAIL: INFO@YAGGY.COM

THESE PLANS AND SPECIFICATIONS OR REPORTS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE STATE OF MINN.

NUMBER _____ DATE _____

WILLIAMS INDUSTRIAL PARK
30TH STREET SE
ROCHESTER, MN
GENERAL DEVELOPMENT PLAN

PROJECT NUMBER 8737-03
COMPUTER FILE 8737GDP01.DWG
DATE 03-16-03
DRAWN BY M.S.F.
CHECKED BY D.R.A.
REVISIONS _____

SHEET NUMBER




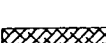
GDP1

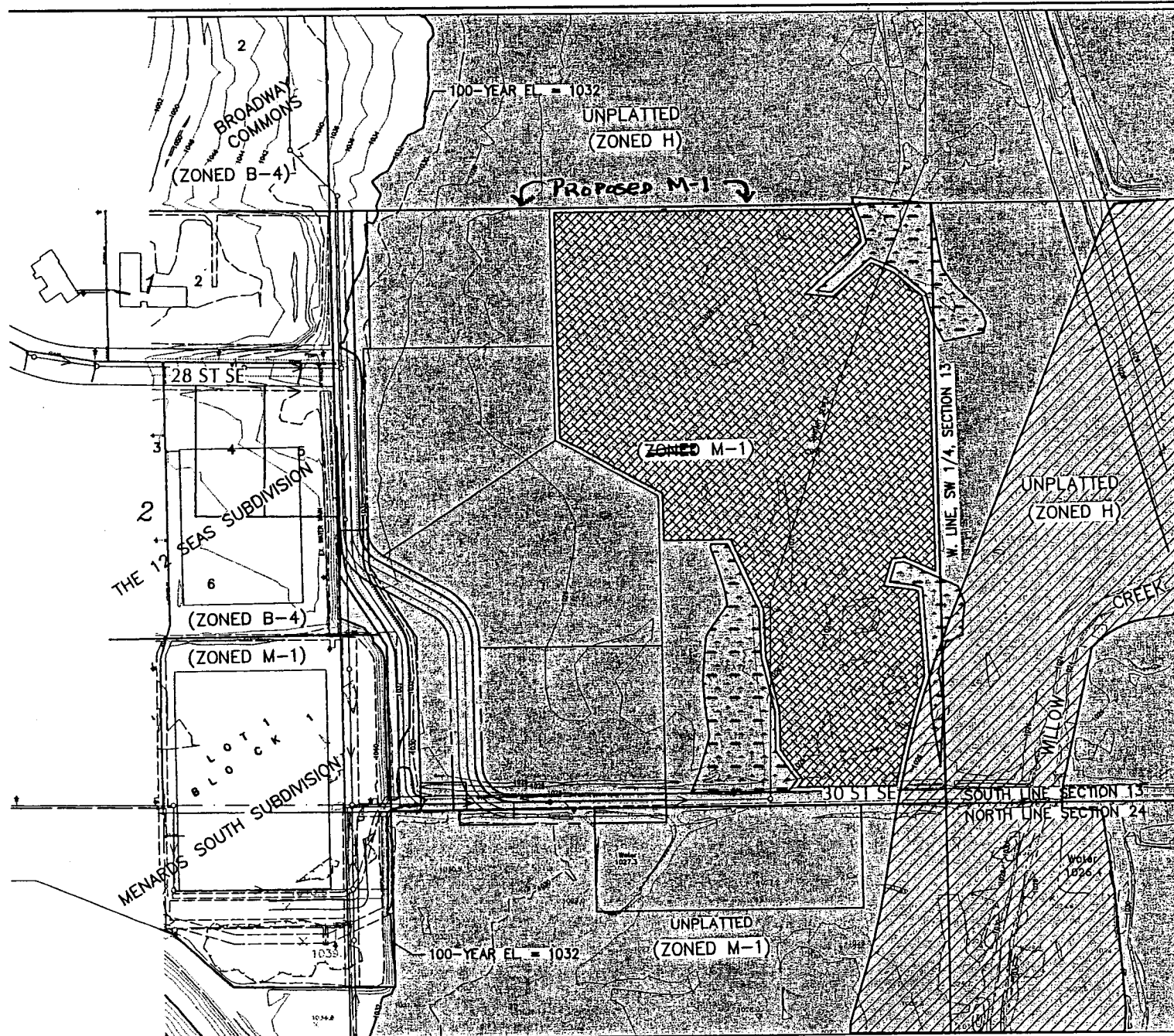
OF ONE SHEETS

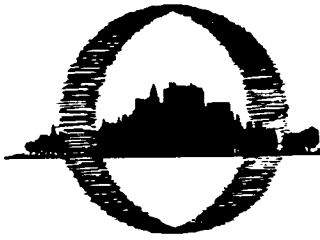
REVISED

MAY 14 2003

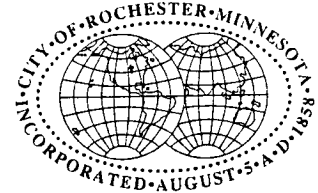
SYMBOLS LEGEND

-  FLOOD ZONE AE
-  FLOODWAY
-  DELINEATED WETLAND
-  PROPOSED WETLAND REPLACEMENT USE





COUNTY OF
Olmsted



ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/
PLANNING 507/285-8232

GIS/ADDRESSING/
MAPPING 507/285-8232

HOUSING/HRA 507/285-8224

BUILDING CODE 507/285-8213

WELL/SEPTIC 507/285-8345

FAX 507/287-2275

TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: May 22, 2003

RE: Zoning District Amendment #03-10 by the Williams Family Partnership.
The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28th St. SE and north of TH 52. A General Development Plan is being considered concurrent with this application.

Planning Department Review:

Petitioner: Williams Family Partnership
41050 95th Street
Blue Earth, MN 56013

Location of Property: The property is located east of the Shopko and Menards south stores and 28th St. SE and north of TH 52.

Requested Action: The applicant is proposing to re-zone approximately 38.70 acres of land to M-1 (Mixed Commercial-Industrial). The General Development Plan (GDP) proposes re-alignment of 30th Street with four lots for development on the east side and one lot on the west for expansion of Menards.

Existing Land Use: The property is currently undeveloped and most is in the 100-year floodplain (Flood Prone District).

Adjacent Land Use and Zoning: Property to the west is developed with retail uses (Menards, Shopko). Property to the north and east is annexed and zoned H – Holding in the City. Property to the south is zoned M-1 (Mixed Commercial-Industrial) in the City. Surrounding properties to the north, east and south are all in the 100-year Floodplain/Flood Prone District, with property lying to the east also in the Floodway.



Transportation Access:	Access to this site would be from 28 th Street SE and 30 th St. SE, east of TH 63.
Wetlands:	Delineated Wetlands are present on the property. The narrative report submitted with this application and the GDP map identify an intent to construct replacement wetlands within the eastern ½ of the development.
Neighborhood Meeting:	A neighborhood meeting was held on May 1, 2003. A summary of the meeting is attached.
Referral Comments:	1. See comments attached to GDP 208
Report Attachments:	1. GDP Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Proposed M-1:

The property was zoned H-Holding upon annexation to the City because the Rochester Urban Service Area Land Use Plan designates this area as "industrial" and "flood prone". Proposed changes in the area include re-alignment of 30th Ave. and proposed development of this property, as identified on General Development Plan #208.

The Neighborhood Analysis for this area, as included in Chapter 4 of the Rochester Urban Service Area Land Use Plan, recognizes limitations of properties designated "flood prone". The Plan states, "If by reason of the implementation of flood control it is determined that flood fringe areas on downstream flooding is eliminated, the flood fringe areas designated "flood prone" on Map IV 34 would change in designation to those uses shown on Map IV 35. Essentially, if flood control is implemented on this site, the "flood prone" designation is eliminated and the "commercial" and "industrial"

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designations apply. Development in the M-1 district would be consistent with the Plan designation for this property, subject to applying flood control measures.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Proposed M-1:

The applicant is proposing to re-zone approximately 38.70 acres of land from the H-Holding zone to M-1 (Mixed Commercial-Industrial). The General Development Plan (GDP) proposes re-alignment of 30th Street with four lots for development on the east side and one lot on the west for expansion of Menards. Proposed land uses would be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Proposed M-1:

This amendment would not constitute spot zoning.

Staff Recommendation:

It appears that findings can be made to support approval of this zone change as petitioned.


in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.

3. Prior to issuance of a zoning certificate and construction of structures, construction plans for public infrastructure (i.e. watermain) must be approved by the City, additional easements must be provided for public utilities, and grading and drainage plans must be approved.
4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
5. The applicant will need to obtain a Revocable Permit from the City, if the proposed pylon sign will be located in a drainage or utility easement.

Mr. Staver asked if condition #1 would be stricken.

Mr. Svenby replied that it would remain in the staff report until the applicant submits new plans. Then it would be removed before going to the City Council.

Mr. Quinn passed the gavel to Ms. Wiesner.

 Zoning District Amendment #03-10 by the Williams Family Partnership. The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28th St. SE and is of TH 52. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #208 by the Williams Family Partnership, to be known as Williams Industrial Park. The applicant is proposing to develop approximately 38.70 acres with mixed commercial-industrial uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of TH 52.

Mr. Brent Svenby presented the staff reports, dated May 22, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Dale Allen, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that, at the time of final platting, the road on the east side of Menards would be reconstructed as it is presently. The same section would have curb and gutter until the property is developed on the east side.

Ms. Wiesner asked, if the wording would be left as it is presently stated, then would he and Mr. Nigbur of City of Rochester Public Works, work out the final details in the development agreement.

Mr. Allen replied yes; it would be appropriate.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to approve Zoning District Amendment #03-10 by the Williams Family

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Partnership, with staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 9-0.

Mr. Burke moved to approve General Development Plan #208 by the Williams Family Partnership, with the staff-recommended findings and conditions. Ms. Peterson seconded the motion.

CONDITIONS:

1. This property shall be platted prior to development. Prior to Final Plat application, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure including future off-site transportation improvements in proportion to the share of traffic contributed from this development.
2. Stormwater Management must be provided for this property. Any stormwater storage loss must be mitigated.
3. The proposed centerline radius of the 28th St./30th Ave. SE re-alignment shall be revised to accommodate a 250 foot centerline radius. This modification must be incorporated on a future Plat application.
4. Pedestrian facilities are required along the entire frontage of this property abutting a public road.
5. Utilities and infrastructure must be extended to adjacent properties.

Mr. Staver stated that he was uncomfortable with the traffic impact. There is already a degraded level of service at the intersection of 28th Street and Broadway. They could exceed the stacking capacity and the vehicles would be in the lanes of traffic, which would hinder traffic flow.

Ms. Rivas stated that the wetland replacement plan could be amended to another area that is agricultural and non-wooded.

The motion carried 7-2, with Ms. Rivas and Mr. Staver voting nay.

Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to allow for the placement of fill in the flood prone district. The proposal is to grade and place fill within the flood prone district. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 48th Street SW, west of TH 63 and east of 11th Avenue SW.

Mr. Svenby stated that the applicant requested that the item be continued to June 11, 2003.

Mr. Burke moved to continue Conditional Use Permit #03-12 by Southern Woods Development LLC, to the June 11, 2003 meeting. Ms. Petersson seconded the motion.

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MEMO



TO Mitzi Baker, Rochester-Olmsted
FROM Dale Allen
DATE May 12, 2003
SUBJECT Williams Neighborhood Meeting



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PLANNERS

A neighborhood meeting was held on May 1, 2003 at Yaggy Colby Associates office for the pending application of rezoning the Williams Family Partnership land to Commercial/Industrial (M-1). The property contains 38.7 acres located in the SW ¼ of the SW ¼ of section 13, Marion Township. The purpose of the meeting was to inform neighboring property owners of the intended zone change and use of the property.

In attendance were: Brian Theil- 1217 3rd Ave SE Representing Seneca Foods
Peter Schuller- 209 Woodlake Drive SE
Virginia Knutson- 2507 South Broadway

Drawings showing the zone change boundary and the proposed general development plan (GDP) for the property were displayed at the meeting. Yaggy Colby Associates staff were available to answer question concerning the proposed development of the property. Generally, all comments regarding the proposal were positive. Virginia Knutson expressed gratitude for the information. Mr. Theil and Mr. Schuller were mainly interested in what was being proposed.